

### **Remarks/Arguments**

The foregoing amendments to the claims are of formal nature, and do not add new matter. Claims 119-124 are pending in this application and are rejected on various grounds. Claim 124 has been canceled without prejudice or disclaimer. Claim 119 has been amended for clarity. The rejections to the presently pending claims are respectfully traversed.

### **Priority**

Applicants submit that they rely on the gene amplification assay for patentable utility which was first disclosed in U.S. Provisional Application 60/141,037, filed June 23, 1999, priority to which has been claimed in this application. Based on the disclosure of SEQ ID NO: 29, Figure 20 that encodes for PRO943 in Application 60/141,037, Applicants believe that the application provides adequate support and that meets the requirements of 35 USC § 101 and 112, first paragraph. Hence, Applicants should be entitled to at least an effective filing date of **June 23, 1999**.

### **Specification**

The title of the invention has been changed to better reflect the invention.

The disclosure was objected to by the Examiner as containing "embedded hyperlink and/or other form of browser-executable code." The foregoing amendment to the specification which deleted all embedded hyperlinks, is believed to overcome the present objections.

In addition, amendments to the specification have incorporated the requisite assurances that "all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the pertinent U.S. patent."

Accordingly, Applicants believe that the objections to the specification should be withdrawn.

### **Information Disclosure Statement**

Applicants submit an IDS separately enlisting references recited in the Blast report filed 3/25/2002 in order to be compliant with 37 C.F.R. § 1.98(a)(1). Consideration of this Information Disclosure Statement is respectfully requested.

**Claim Rejections – 35 U.S.C. §102(b)**

Claims 119-124 are rejected under 35 U.S.C. §102(b) as being anticipated by Bergsma *et al.* (U.S.P.N. 6001963, dated December 1999). Applicants respectfully traverse this rejection.

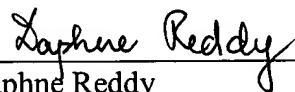
As the claims pending in this application are entitled to the priority date of Application 60/141,037, filed **June 23, 1999**, Bergsma is not prior art and hence, this rejection should be withdrawn.

The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39780-2730P1C8). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: August 4, 2004

  
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